

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

In re: Pork Antitrust Litigation

Case No. 18-cv-1776 (JRT/JFD)

This Document Relates To:

ALL ACTIONS

PRETRIAL ORDER NO. 3

I. TIMING AND LENGTH OF CLASS CERTIFICATION HEARING

The Court has considered the parties positions on the timing and length of a class certification hearing to address the Consumer Indirect Purchaser Plaintiffs' Motion to Certify Class (Docket No. 1340); Direct Purchaser Plaintiffs' Motion to Certify Class (Docket No. 1318); and the Commercial and Institutional Indirect Purchaser Plaintiffs' Motion to Certify Class (Docket No. 1334). The hearing will also address the Defendants' Motions to Exclude the Expert Testimony of Dr. Russell Mangum (Docket No. 1449); Dr. Michael Williams (Docket No. 1453); and Dr. Hal Singer (Docket No. 1466).

The parties have stipulated to a single class certification hearing, and, at this time, the Court finds it unnecessary to hold a separate evidentiary hearing to address the Defendants' Motions to Exclude. (See Stipulation, Nov. 28, 2022, Docket No. 1645.) Accordingly, the Court will hold a single class certification hearing on January 31, 2023. The hearing will be four hours in length, from ten o'clock in the morning until noon, and

then from one o'clock to three o'clock in the afternoon. The Class Plaintiffs and the Defendants will each have two hours to present their arguments.

II. CASE LEADERSHIP

The Court requested that the Direct Action Plaintiffs ("DAPs") and Class Plaintiffs submit Liaison Counsel recommendations. The Court has considered the recommendations it has received, and it makes the following appointments:

- Direct Action Plaintiffs' Liaison Counsel: **Robert Kaplan** of Kaplan Fox & Kilsheimer LLP, 850 Third Avenue, Fourteenth Floor, New York, NY 11372
- Direct Purchaser Plaintiffs' Liaison Counsel: **Bobby Pouya** of Pearson, Simon & Warshaw, LLP, 15165 Ventura Boulevard, Suite 400, Sherman Oaks, CA 91403 (Docket No. 1611.)
- Consumer Indirect Purchaser Plaintiffs' Liaison Counsel: **Shana Scarlett** of Hagens Berman Sobol Shapiro LLP, 715 Hearst Avenue, Suite 300, Berkeley, CA 94710 (Docket No. 1648.)
- Commercial and Institutional Indirect Purchaser Plaintiffs' Liaison Counsel: **Blaine Finley** of Cuneo Gilbert & LaDuca, LLP, 4725 Wisconsin Avenue Northwest, Suite 200, Washington, DC 20016 (Docket No. 1647.)

Liaison Counsel will serve a primarily administrative function. Their responsibilities include, but are not limited to: coordinate among counsel on agenda items for status conferences; advise the Court and the parties when a case that arises out of the subject

matter of the actions in this MDL is transferred from another Court; coordinate the initiation and conduct of discovery and other activities on behalf of Plaintiffs; receive and distribute notices, orders, motions, and briefs on behalf of the group; coordinate settlement discussions or other dispute resolutions on behalf of Plaintiffs; delegate specific tasks to other Plaintiffs' counsel in the mater to ensure that pretrial preparation is conducted effectively, efficiently, and economically; monitor the parties' activities to ensure schedules are met and unnecessary expenditures or time and expense are avoided; enter into stipulations with opposing counsel as necessary for this action; prepare and distribute periodic status reports to the parties; encourage full cooperation and efficiency among all Plaintiffs' counsel; submit, if appropriate, additional committees and counsel on behalf of Plaintiffs for designation by the Court; and perform such other duties as may be incidental to proper coordination of Plaintiffs' pretrial activities or authorized by further order of the Court.

Notwithstanding the appointment of Liaison Counsel, each Plaintiff's counsel shall have the right to participate in all proceedings before the Court as fully as such counsel deems necessary. Arguments may be presented to the Court by any counselor representing a Class or DAP in this action. Further, Liaison Counsel shall not have the right to bind any party to any matter without the consent of counsel for that party, except Liaison Counsel's own clients.

DATED: December 9, 2022
at Minneapolis, Minnesota.

John R. Tunheim
JOHN R. TUNHEIM
United States District Judge